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CONVOY DISPATCH



VOICE OF THE TEAMSTER RANK AND FILE SINCE 1975

March 1999 # 175

Members in South Win Right to Elect VP

Teamster members in the South have won the right to elect someone to fill the Southern Region Vice President position left vacant by the Election Officer's refusal to certify J.D. Potter's election.

Election Officer Michael Cherkasky previously barred Potter from taking office for laundering \$5,000 in excess contributions to the Hoffa Slate then lying to federal officials to cover it up. Cherkasky ruled that once in office, James Hoffa, Jr. and his General Executive Board could appoint an official to that position.

However, on Feb. 23, Election Appeals Master Kenneth Conboy granted an appeal handled by TDU counsel Paul Levy on behalf of Doug Mims, a Southern VP candidate on the Tom Leedham Rank & File Power Slate, and overturned that part of the Election Officer's decision. He ordered a

new election to fill the vacant seat so that rank and file Teamster members — not the same officials who benefitted by Potter's wrongdoing — should choose their representative on the GEB.

"This decision is a victory for members and their right to vote," said Ken Paff, National Organizer for Teamsters for a Democratic Union. "J.D. Potter defeated the reform candidates by only a thousand votes in the South. That extra, illegal money could have made the difference in the election."

Conboy's reversal of the Election Officer and his order allowing members to vote for their Southern Vice President shows that candidates' right to appeal is important — and that reformers' appeals have not been "frivolous" as Hoffa Jr. has argued.

Hoffa Jr. appealed Conboy's decision to give the members the right to vote to Judge Edelstein, who is expected to rule within the next week or two. As we go to press there are no details on the timing, nominations, or procedure for the election.

Leedham has appealed Conboy's decision to deny the Leedham Slate's post-election protest asking that the certification for Hoffa Jr., and his running mates Jim Santangelo, Tom O'Donnell, and Don DeSanti also be withheld because of IRB charges or ongoing investigations against them.

In addition to ordering a new election in the South, Conboy stayed the Election Officer's certification of the election pending Judge Edelstein's ruling in the

case. That stay put the brakes on Hoffa Jr.'s plans for three inaugural galas that he had scheduled for Washington, D.C., on March 6, Chicago on March 7, and Los Angeles on March 13.

TDU and Tom Leedham, the reform candidate who ran against Hoffa Jr. for president of the union, applauded Conboy's decision to let members in the South vote, but made it clear to Judge Edelstein, Appeals Master Conboy, and the Election Officer that we have no objection to Hoffa Jr. being permitted to take office prior to official certification.

Hoffa Jr., his transition team, and the officials he already has appointed to key positions in the union are already calling the shots at the International. (See "Democracy Watch" page 10.)

"The IBT will never be the same."

January 1976 issue of *Convoy*, referring to a Washington, D.C., rally by Teamsters for a Decent Contract (TDC) to pressure for a better freight agreement.

TDC made a difference in 1976.

Over the years TDU has made great changes in our union — because members got involved.

Isn't it time you got involved? Join TDU today.

JOIN TDU

TDU MEMBERSHIP APPLICATION

Name _____ Local _____

Address _____

City _____ State _____ Zip _____

Phone (____) _____ Company _____

☐ City ☐ Road ☐ Dock ☐ Clerical ☐ Warehouse ☐ Construction ☐ Production

other _____

____ \$35 one-year membership & subscription to *Convoy Dispatch*.

____ \$85 three-year membership fee. (\$10 shall be rebated to the local chapter)

____ \$20 for spouses, and Teamsters who gross less than \$17,000 a year.

____ \$20 for retirees. Retired from Local _____

Check or money order

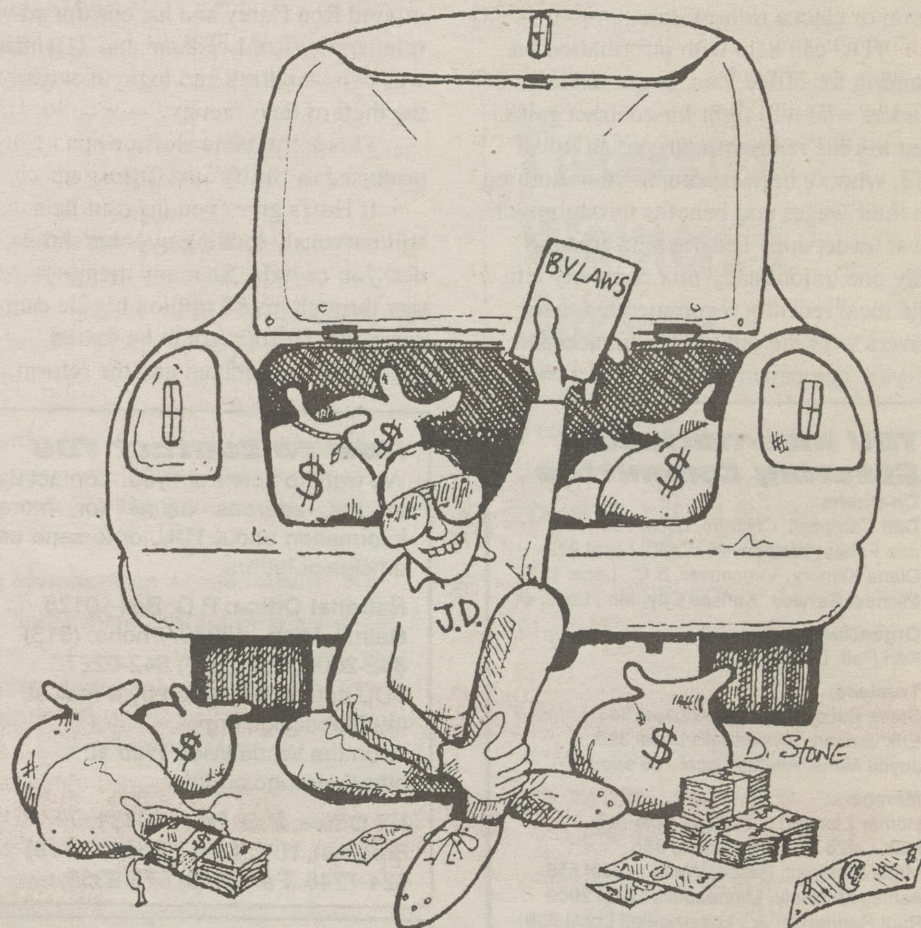
Mastercard/Visa # _____ Exp. date ____/____/____

Date _____ Signature _____

Return to: TDU, P.O. Box 10128, Detroit, Mich. 48210

TDU membership is kept confidential from employers. TDU solicits and accepts membership applications and donations only from Teamsters, retired Teamsters and spouses who are not employers.

Local 19 Bylaws in Potter's Trunk?



Hoffa running mate J.D. Potter was barred by the Election Officer from taking office as Southern VP for illegally funneling an extra \$5,000 to the Hoffa campaign. He claimed that he kept the cash in the trunk of his car.

Still president of Texas Local 19, Potter has told members they cannot get a copy of their bylaws because they don't exist. Perhaps he should look in his trunk. See story page 4.

Letters From Our Members

Time to Organize in Ready-Mix Industry

I am writing in response to Joe Robinson's letter ("Ready-Mix Teamsters Need Help from Union, February *Convoy Dispatch*).

Robinson, a ready-mix driver out of Orange, Calif, Local 952, relates how his industry has been devastated by contract concessions and a growing nonunion sector.

From 1974 to 1986 I worked in the ready-mix industry out of Tacoma, Wash., Local 313. In the '70s we enjoyed some of the best wages and benefits in the country. We stagnated in the '80s until 1986, when a new owner (with help from weak union leadership) gutted the contract. I decided it was time to move on.

I transferred into Seattle Local 174 and was again enjoying high wages and benefits. Then our secretary-treasurer recommended that we accept a take-away agreement.

We soon elected a reform candidate, Bob Hasegawa. Bob immediately mobilized the members and began educational programs in the local.

Unit members are now present in negotiating sessions. At our last ratification meeting, Hasegawa reported a \$3.12 raise over three years and recommended we not vote to accept because of other outstanding issues.

From where I sit, Joe, you have two choices: watch your trade go down the drain or elect a reform slate.

TDU can help with information on running for office. You've got to elect leaders who will fight for contract gains. Just ask the ready-mix drivers in Local 313, who've been beaten down to nothing on their wages and benefits through poor local leadership. The Tacoma area has only one union ready-mix company left. The local recently recommended that drivers working out of Dupont accept a 12-year agreement that included a com-

pany pension plan and no raises (they can negotiate for a raise in five years). Unfortunately the members felt this was the best they could get and ratified the agreement.

TDU can also help you to mobilize your co-workers. We need to get members involved in organizing nonunion ready-mix drivers. And we need to build a rank and file network of ready-mix drivers, and push for a master agreement for West Coast ready-mix.

Union staff cannot do this for us, there aren't enough of them. It will take a campaign by the members.

We need to establish a ready-mix network of stewards and activists from every ready-mix company on the West Coast to educate members and fight for good contracts, with or without the help of local officers. What do you think?

Dave D'Andrea
Local 174, M.A. Segale
Seattle

Hoffa Continues Lies About Reform

Most Teamsters haven't seen Hoffa's recent press releases, but all will soon see the *Teamster* magazine. You'll be wondering if Hoffa's campaign is still on, or if Hoffa lost the 1998 election. Here's one sample of his recent propaganda: "Leedham and TDU have zero credibility on corruption issues. After Jim Hoffa and his supporters exposed the massive criminal element around Ron Carey and his corrupt administration, all Leedham and TDU did was twist the truth and logic to excuse the theft of dues money."

This is the same Hoffa who promised to "unify" the Teamsters.

If Hoffa gives you the idea he's still nervously looking over his shoulder, you're right. So many members saw through his \$6 million big-lie campaign that Hoffa's got to be scared about facing Leedham and the reform

movement a second time. No wonder he's still cranking out lies to rewrite Teamster history instead of working for unity.

What Hoffa doesn't say is that Carey was never found guilty of stealing anything from our union. After months of investigation, the Independent Review Board did not find that Carey robbed the members. All they could claim was that he should have known about wrong doing by professional campaign staffers he hired, who lined their own pockets.

What Hoffa won't admit is that during the Carey administration, \$123 million went to strike benefits, including for the UPS and freight strikes. There should have been \$34 million more in our strike fund, but supporters of the Hoffa clique took that money out of the fund in the 1980s to pay for other things, including multiple salaries and pensions.

Some of the \$123 million returned to the members came from eliminating dozens of outrageous multiple salaries and pensions. Millions more came from closing down the bureaucratic baronies known as area conferences. Still more came from ending an officials-only pension plan, ending Executive Board meetings at resorts, and selling off the union's jets.

Just as Hoffa was dishonest about Carey's ouster, he is dishonest about how the Teamsters became an emerging powerhouse in the American labor movement. Teamsters won the biggest labor victory of the decade at UPS. The decline in membership was ended. Strategic campaigns were launched to beat union-busters. Implementation of the trucking portion of NAFTA was blocked. Teamsters took the lead in labor.

Hoffa and his crowd won the election in part because he deceived Teamsters about the record of reform and that of their leader of choice, Ron Carey. Hoffa's current actions make clear that he'd like to maintain control by continuing his systematic deception.

Hoffa's downfall is certain when more Teamsters learn what's really going on.

Bob Mattingly
Local 896 retiree
Oakland, Calif.

Shorter Freight Contracts Needed

Freight Teamsters need shorter contracts. Four to five years is too long.

We also need to go back to the method of hiring when there was a 30-day probationary period. That's long enough.

Most important, in some locals casuals are pressured to sign a letter that they will not demand an eight-hour minimum. We went out on strike over this issue, and locals should not give it away.

Ralph Nigro
Local 677, St. Johnsbury
Waterbury, Conn.

Who We Are

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers—every kind of Teamster, and spouses, too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 15-member International Steering Committee was elected in November 1998 for one year. Our Rank & File Convention had over 500 representatives present.

We are proud Teamsters standing up for our rights. TDU invites all Teamsters interested in defending our contracts and reforming our union to join us. We do reserve the right to exclude those who are opposed to TDU and its principles.

Rank & File Bill of Rights

I. DEMOCRATIC BY-LAWS. All business agents and stewards should be elected. Vacancies in office should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs elected by regions. An end to trusteeships and split-off locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent until proven guilty, right to remain on the job until final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for anything less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right, backed up by our union, to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT-HOUR DAY AND FIVE-DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four-day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25-and-out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he makes. No officer should make more than the highest paid working members in his jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for membership, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the differences in age, race and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.

TDU International Steering Committee

Co-Chairs:

Dan Campbell, Chicago, Local 705
Joe Fahey, Watsonville, Calif., Local 912
Diana Kilmury, Vancouver, B.C., Local 155
Michael Savoir, Kansas City, Mo., Local 41

Organizer:

Ken Paff, Detroit

Trustees:

Steve Baudo, Milwaukee Local 344
Erik Jensen, Minneapolis Local 320
Joyce Mims, Atlanta Local 728 spouse

Members:

Homer Lambert, Chicago Local 743
Matt Latzo, Baltimore Local 355
Maria Martinez, Pasco, Wash., Local 556
Ashley McNeely, Minneapolis Local 2000
Raul Rodriguez, Jr., Los Angeles Local 630
Michael Ruscigno, New York Local 802
Willie Smith, Columbus, Ohio Local 413

Alternates:

Robert Lloyd, Little Rock, Ark., Local 878
Alex Adams, Cleveland Local 407
Tom Sheibley, Brockton, Mass., Local 653

How to Contact TDU

We want to hear from you. Contact us at the address below for more information about TDU, or to send us articles or letters.

National Office: P.O. Box 10128, Detroit, Mich., 48210. Phone: (313) 842-2600. Fax: (313) 842-0227.

TDU can be contacted by e-mail at: tdudetroit@igc.org or on the World Wide Web at: <http://www.igc.org/tdu/>

NY Office: P.O. Box 170131, Brooklyn, N.Y. 11217. Phone: (718) 624-7746. Fax: (718) 875-9336

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Northwest Airlines Local 2000

Flight Attendants Pile on the Pressure

Northwest management couldn't face its employees when the Local 2000 Flight Attendants showed up at a bargaining session with 8,000 signed petitions and television camera crews. "They shut the door in our face," said Amy Morton, a San Francisco Flight Attendant who was part of the national delegation to Minneapolis to deliver the rank and file message on Feb. 20. The petitions warn Northwest that flight attendants will strike if that's the only way to get a fair contract.

While management hid behind a locked door, Local 2000 President Billie Davenport talked to CNN reporters: "If management is afraid of a few Flight Attendants carrying petitions, what will they do when things really get tough?" Davenport delivered the petitions to management.

Flight Attendants are keeping the pressure on. They're wearing "I Will Strike" luggage tags and are distributing stickers that say "Ready to strike if we have to!" They've been picketing in Minneapolis and Detroit and holding meetings across the country to educate members about taking a strike vote. Future plans include a visit to the NWA stock holders meeting April 23 in New York City.

As the company continues to put forward insulting counter proposals at the bargaining table, it has gone on a shopping spree. It plans to pay \$1.3 billion for new regional jets that will be subcontracted and flown by nonunion crews with substandard pay. And they're rolling out new carpets in the airport offices in Hawaii. Honolulu base representative Ashley McNeely told management, "Nothing like walking on my raise!"

Although a number of issues have been agreed to, the sides remain far apart on the

critical issues of pensions, compensation, and scope (job security). With all the company proposals finally on the table, bargaining is moving to these key areas.

President Davenport asserted in her early-March message to the members, "We will settle for nothing less than an agreement that is leading in the industry."

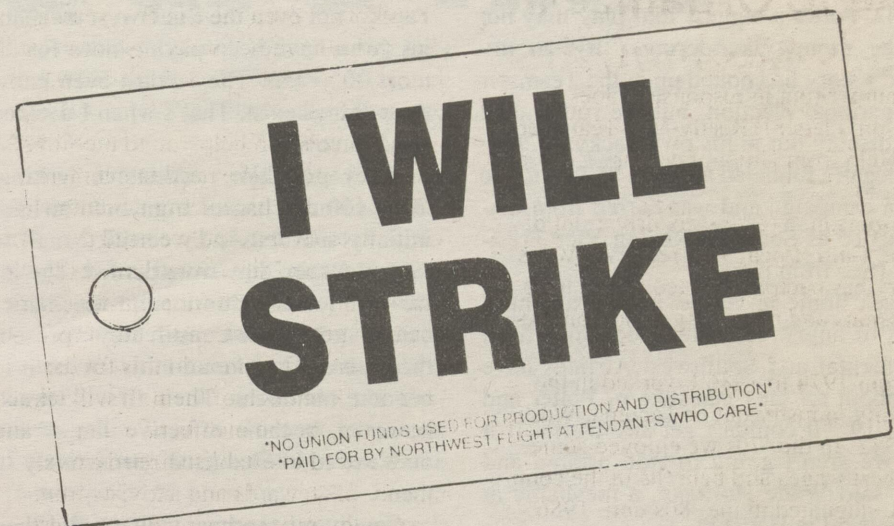
One of those industry standards involves retirement. The union has proposed that retirement be based on "Final Average Earnings." The best 36 months of career earnings would be used in the calculation. This way, as wages increase over time, retirement automatically increases and would not have to be renegotiated every contract. The pilots won this years ago. Management also has this plan and executives currently make up to \$50,000 per month compared to \$1,000 per month for flight attendants after 30 years.

The local has not yet called a strike vote, but that could come soon to step up the pressure. But before any strike could occur, under the Railway Labor Act, the mediator must first declare impasse, then there is a 30-day cooling off period.

Hoffa Pledges Support

It remains to be seen what will change under a Hoffa administration in this battle against Northwest. It is critical that the Flight Attendants continue to get the resources they will need to win a good contract.

Thus far, mobilizing the rank and file for a contract campaign has been possible with resources provided by the International. These were the same resources available during the successful 1997



Flight Attendants are placing these tags on their luggage to let management know they are serious about getting a good contract.

UPS campaign.

Until they get a ratified contract, the local's leadership has asked President-elect Hoffa to maintain the International communications staff and field service personnel assigned to the same bases. They don't want to disrupt the nine months of extensive organizing work and jeopardize critical timing in the contract fight.

"The individual field staff have built working relationships with our Contract Action Team coordinators in their assigned areas. They know the way things work at that base, the media contacts, and most important, they know the members," said Anne Toombs, National CAT Coordinator.

Also critical for members is that the elected bargaining committee and local leadership continue to control the bargaining process during this transition until they can deliver a good contract that members can approve.

Hoffa has promised Local 2000 to provide whatever support they need to win an industry-leading agreement. In February, Hoffa brought in four representatives to the bargaining table: Airline Division Director Ray Benning, Division Assistant Vicki Frankovich, Attorney Roland Wilder as a routes/SCOPE expert, and retirement expert Norm Weintraub.

Membership Accountability Key

Some members are concerned about who has joined the negotiating team. Norm Weintraub was formerly the Research Director of the International Union in the 1980s under the old guard leadership then in power. Weintraub has been known for promoting union concessions to Flight Attendants and other Teamsters. He went on the Board of Directors of a large trucking company, St. Johnsbury, while in contract negotiations with the Teamsters. The company demanded a 20 percent wage cut, then closed its doors when Teamster members said no.

The other expert, Roland Wilder, is with the law firm of Baptiste & Wilder. The firm ran the Teamsters legal department under President Roy Williams, who later admitted to being racketeer-controlled. Wilder also defended the "two thirds to reject" rule, which TDU finally got out of the union constitution. Under this rule, a majority of members could reject a contract, and it would still be imposed. This was done to Northwest Flight Attendants in 1979.

The experts at the table may be helpful, as long as the elected bargaining committee and local leadership continue to guide negotiations with full membership involvement. That's what will win a good contract and make Flight Attendants proud.

Ontario, Canada Local 938:

Member Organizing Beats Back Undemocratic Bylaw Proposals

Dave McPherson
Local 938, Gen-Auto Shippers
Oshawa, Ont.

At the January general membership meeting of Ontario Local 938, President Ray Bartolotti was forced to withdraw his undemocratic bylaw "reforms" that would have consolidated more power in his hands.

In 1997, during the election campaign for the executive board of Local 938, Bartolotti promised members that he would form a rank and file bylaw committee if elected. At that time he was promoting bylaw reforms that would benefit the rank and file. He promised that members would have access to union financial information and more involvement in union affairs.

Once elected Bartolotti seemed to change his mind. His rank and file bylaw committee was made up of only his closest

supporters, with Bartolotti himself as chair. The bylaw committee's proposed changes would have given him total control over the local's finances, hiring, wages, and pensions for business agents. Steward elections would only be held when requested by members.

Bartolotti first presented his bylaw reforms to the membership in the fall of 1998. Members requested that the bylaw reforms should be presented in January, as stated in the bylaws. We then organized to get the word out about his attempted power grab.

Opposition to the bylaw proposals built through the months of November and December. By January, Bartolotti knew he would never get his bylaw proposals passed, and he withdrew them.

Working together, Local 938 members forced our power-hungry president to back down.

Teamster Women's Survey

Just what the members ordered: We're kicking-off a new "Teamster Women's Network" with a survey that we're sending to all of our women members. We'll use the information provided to build the network, to assist women with organizing in their areas, and to get women the resources they need.

Look for it in your mail and return it as soon as possible. You can also download a copy from our website at:

<http://www.igc.org/tdu>.

Potter's Deep Trouble in Texas

Mechanics Turn Up the Heat

J.D. Potter's biggest foul play may not be the money laundering ("It's in my trunk") story he cooked up in the Teamster international election, but the rotten deal he's dishing out in his own backyard. Potter illegally funneled an extra \$5,000 to the Hoffa campaign and was barred from taking office as Southern Region Vice President. (See front page.)

Back home in Grapevine, Texas, hundreds of angry Teamster mechanics from Continental and Southwest Airlines have had about all they can take of Potter and Local 19. "It couldn't get any worse. If it can, we aren't going to wait around and see," said Wade Holitzke, a mechanic at Continental in Houston.

Since January, mechanics have been signing petitions denouncing the local for lack of communication and representation. Holitzke, who started the petitions, says, "We've got about 75 percent of the members' signatures and more people are sign-

Faulk, "not even the Southwest mechanics (who have been paying dues for almost 20 years). They didn't even know these things exist. That's when I decided to get involved."

They put their requests in writing. Over 100 mechanics from both airlines initially sent letters by certified mail to Potter. Again, they were denied. The local claimed the Continental mechanics cannot get bylaws until they "present themselves" to take an initiation oath to become members. Their first contract, however, became effective Jan. 1 and dues are to be deducted retroactively to then.

Southwest mechanics were told they couldn't have the bylaws or constitution because they are no longer "new members." Paying dues for 20 years apparently doesn't count as initiation in Local 19. It's akin to taxation without representation. TDU attorney Paul Levy noted

one he believed was a Leedham supporter.) Looking for some accountability, they've sent copies of everything to the Independent Review Board, and to Hoffa.

"We can't wait around while Continental says to us, 'We'll interpret the contract the way we want,'" says Holitzke. "We don't want Potter or any of his buddies running the show. We've seen what kind of union they're satisfied with, but that's not the kind of union we want."

Potter likely will be gone before the end of the year. He's been charged by the IRB for illegal campaign contributions and awaits a hearing. But until the Local 19 election next year, his replacement will be appointed by his cronies on the Local 19 Executive Board.

Members of Local 19 are starting to unite, organize, and learn their rights. They're going to keep doing that to build a strong local with members who are actively involved and a leadership worthy of the name.

Members Win Buyout Deal that Blunts Layoffs' Sting

Contract Campaign Soars at Sikorsky Aircraft

Connecticut Local 1150's first rank and file contract campaign has ended with a new agreement that includes a 9 percent wage increase over the next three years and a buyout deal for long-time Sikorsky Aircraft workers.

Hundreds of workers are expected to take the buyout that boosts the pension of a retiring 55-year-old worker with 30 years of experience from \$1,200 a month to \$1,915 a month. The openings created by the buyout should protect hundreds of members from the 350 layoffs threatened by management for this year.

With two days to go before the contract's expiration and negotiations coming down to the wire, management's buyout offer was still far too low. Members responded by demonstrating a little rank and file power.

At 10:00 a.m. sharp, just before the opening of the morning bargaining session, some 3,600 employees in plants across Connecticut began pounding their tools in a loud demonstration of disapproval with management's bargaining position. One member called company headquarters from a pay phone in the plant and left the phone dangling so that upper management could hear the members' message personally.

Management got the message and increased their offer, but not enough. So again at 1:00 p.m., before the afternoon bargaining session, members pounded their tools again. Once again, management upped its offer. By weekend's end, 87 percent of the members voted to ratify a new contract.

These actions topped off a contract campaign that began before Local 1150's new leadership even took office. The campaign began with two workshops by TDU's educational arm, TRF, on how members could get involved in the fight for a good contract.

More than 2,200 workers participated in a bargaining survey that members circulated through the plants, so the leadership knew members' priorities before

they headed to the table.

Workers wore contract campaign buttons on the job to demonstrate their unity.

As the contract deadline approached, hundreds of members rallied in front of the company's biggest facility in Stratford. Members and officers from Teamster locals 493 and 559, Connecticut AFL-CIO officials, and representatives from two Congressional Representatives' offices joined the rally to support workers' demands for a good contract.

Using the Power of the Members

Local 1150's newly elected officers took office less than two weeks before the opening of negotiations. Nevertheless, they managed to do what the local's previous old guard leadership had never done: tap the power of the members and the resources of the International Union to fight for a good contract.

"People wearing buttons, the rally, the banging out on the last day of negotiations. That's what won this agreement," said Local 1150 Secretary-Treasurer Jeff Cederbaum. "The company hasn't seen this kind of solidarity in a long, long time. And we're hoping to build on that."

The International Union's Industrial Trade's Division led by outgoing Teamster Vice President Tom Gilmartin boosted the members' drive for a good contract. Gilmartin participated in early bargaining sessions and division staff helped negotiate the contract and coordinate the contract campaign.

"In these negotiations, we saw what a powerful source of support the International Union can be when it is working with local leaders to mobilize rank and file power and achieve the members' goals," Cederbaum said.

Next steps for Local 1150 include retirement workshops for members so they can make an informed decision about the buyout and an educational workshop on members' rights under the Family Medical Leave Act with attorney Bob Schwartz, author of the *FMLA Handbook*.

"We can't wait around while Continental says to us, 'We'll interpret the contract the way we want.' We don't want Potter or any of his buddies running the show. We've seen what kind of union they're satisfied with, but that's not the kind of union we want."

—Wade Holitzke, Continental mechanic

ing every day. *We don't have a union here.* We've got over 100 grievances piled up against Continental and the local hasn't talked to anyone about them." The mechanics fear the local's incompetency will set bad precedents under their first contract, and they don't want the current leadership involved in any future contract negotiations.

Continental mechanics organized into the Teamsters in August 1997. Ken Faulk, a mechanic then with Continental told *Convoy*, "The company was making up new rules every week. We got so much disrespect from Continental, and were going at it tooth and nail. Now we're getting disrespect from our local and have to fight Potter tooth and nail. The local is keeping members in the dark. Officers feel the less knowledge we have, the stronger they are."

'No Bylaws Here'

The mechanics have been asking for copies of their bylaws for over a year. "We've been told Local 19 doesn't have a set of bylaws, that we're operating under the International Constitution," said Holitzke. "Then they told us 'you can't have the bylaws,' the International hasn't approved changes yet."

The more members were denied, the more mad people got."

"We couldn't find anyone in the local who had a copy of any bylaws," said

that under federal law all union members have a right to receive a copy of both the bylaws and constitution. TDU will make sure that right is enforced in Local 19.

The mechanics told Potter, "You must be getting advice on this matter from the same person who suggested that you claim you had the 1997 donation money stashed in your trunk."

Support Grows

Potter's denial letters only fueled the members' fire. Fifty more mechanics sent certified requests and some were also sent by the airline cleaners, another unit in Local 19. The mechanics are 80 percent of the local's membership, with 1,300 at Continental and over 500 at Southwest.

Under pressure, Potter set an initiation meeting for the Continental mechanics, a Local 19 procedure that is not required under the constitution. Southwest mechanics have demanded the same, since none has ever been held, but Potter said no. He's also canceled the Southwest craft meetings without notice.

'We're Not Waiting'

For the mechanics, justice delayed is justice denied. They haven't yet got a response to charges they filed against Potter for assaulting a member. (In a separate International election incident, Potter was found guilty of attacking some-

Louisville Members Build Reform One Step at a Time

For Teamster members in Louisville Local 89, the first step toward ensuring a fair and democratic election for officers this fall is a campaign to change their local union bylaws.

They want to guarantee a mail ballot election to reduce the intimidation and coercion by incumbent officers and business agents that members often experience in a walk-in election.

Members also proposed that the date of their election be moved from December to October. Many members — especially those who work for UPS — must work long hours and cannot take vacation time to campaign during the current year-end election period.

The campaign to build support for the bylaws changes, scheduled to be voted on

at their local union meeting on June 11, is helping Local 89 reformers kick off their campaign to run for local union office. Unlike the two-thirds vote required in many locals for bylaws changes, Local 89's bylaws require a simple majority.

Organizing for Change

More than 60 dedicated Teamsters turned out to a meeting to kick off their United Rank and File Power Slate campaign to take back the local for its members.

Local 89's current leadership is in turmoil.

In January, President Lon Fields retired under a cloud of Independent Review Board charges that as a candidate for International Vice President in 1996

he falsified financial reports to the federal court-appointed Election Officer to hide his contributions to the campaign from his wife.

Last September Fields and Local 89's current president, Robert Winstead, were indicted for violating state election campaign rules by using Teamster dues money in a state gubernatorial election.

Winstead's appointment to head the local shows nepotism is alive and well in Local 89. He is the son of Marion Winstead, the local's former president. Trustee Gary Hugg's daddy was also a former Local 89 president.

With a strong pool of recognized rank and file leaders, the United Rank and File Power Slate will offer members an alternative to the local's current "all in

the family" arrangement.

Building for a Better Union

Members supporting the United Rank and File Power Slate are working to inform Local 89 members of the bylaws vote and encourage members to attend the June meeting to support their reforms. They're also beginning to raise funds, select candidates, build contacts, and increase the visibility of their campaign.

They will campaign around issues such as improving representation, making officers more accountable, fighting for better contracts for all members, empowering stewards on the shop floor, beginning an education program for members, and cutting officers' salaries to bring them in line with working Teamsters' wages.

Hoffa VP Glanton Takes Revenge in Chicago Local

Members at Rush St. Lukes Hospital in Chicago Local 743 collected 300 signatures on a petition demanding reinstatement of business agent Donny Von Moore. Von Moore was fired by Hoffa VP Chester Glanton after he ran against him for president of Local 743.

The executive board rejected the petition and voted to uphold Glanton's decision despite the members' disapproval.

Now members are stuck with a BA who

is looking to benefit Glanton and his cronies instead of the membership. A steward election that was asked for by the membership is now ongoing. Members are irritated that nominations for the election were reopened when no Glanton supporters were nominated to run. Past procedure had been that if only one candidate was nominated they would be elected.

The situation for members at Rush

went south when their votes in the local election last fall were not counted. Glanton observers challenged their votes because their employer paid their dues late. That made a close election look like a solid victory. Protests over this and other election issues are still pending.

"Even though our campaign to elect a leadership responsive to members needs fell short, we know the fight will continue," said Homer Lambert, Rush St. Lukes Hospital steward. "We intend to spread the message of reform across the local and fight for democracy in every shop. That is what it will take to make this union into a force fighting for its working members."

Leedham to Speak at TDU Educational Conferences

Members will learn strategies for building rank and file power on our jobs and in our union at two TDU educational conferences this spring with Tom Leedham as a guest speaker.

A Minnesota TDU Educational Conference will be held on Saturday, April 10, from 9am to 2pm.

Tom Leedham will speak on mobilizing for better contracts.

Members will participate in workshops and meetings on winning grievances, building a rank-and-file caucus in your local, a history of the Teamsters from a rank-and-file perspective, and UPS, freight, carhaul, public employee, flight attendant, and factory industry meetings.

Advance registration for the conference is \$5, lunch included. An \$8 fee will be charged at the door. It will be held at

the Minneapolis Central Labor Union Council, 312 Central Avenue, S.E.

A New York/New Jersey TDU Educational Conference is scheduled for Sunday, May 23, from 10am to 4pm.

It will include workshops to boost Teamster members' clout, including your legal rights on the job and in the union, winning better warehouse contracts and enforcing them, building rank and file power at UPS, and more.

Tom Leedham will speak on the Future of Teamster Reform and lead the Warehouse Teamster workshop.

A \$10 registration fee will be charged at the door. Members who register in advance pay only \$5.

The conference location is to be announced. For information, call (718) 624-7746.

Members Get Organized for the Future

In areas across the country, TDU members and other reformers are meeting to get organized and set plans for building reform in their area.

Members in Minneapolis, Milwaukee, Portland, Seattle, Chicago, Connecticut, Los Angeles, New York City, New Jersey, Connecticut and Baltimore, D.C., have already held planning meetings.

In planning meetings, members set goals and make plans for educational workshops and seminars and discussed ways to increase recruitment and build *Convoy Dispatch* and TDU's Spanish-language newspaper, *¡Adelante!* They shared ideas for reaching out to more Teamster members and getting involved in local contract and shop floor activity to build rank and file power.

TDU organizers will be on the road meeting with more members throughout the spring and summer. Contact TDU if you would like to hold a planning meeting in your area with a TDU organizer.

TDU Meets

Baltimore/D.C. TDU

Sunday, March 21, 2 p.m.
Owen Brown Recreational Center
Columbia, Md.
For information call 301-317-4030

Chicagoland TDU

Sunday, March 21, 1 p.m.
UNITE Hall
333 S. Ashland, Chicago
For information call 773-486-3831

Cleveland TDU

Monday, March 22, 6 p.m.
My Family Restaurant
5175 Brecksville Rd. (Rt. 21)
Richfield, Ohio
For information call 216-581-7775

Michigan TDU

Legal Rights Workshop
Sunday, April 11, 2 p.m.
Big Boy Restaurant
18650 Ford Rd., Dearborn, Mich.
For information call 313-842-2600

New Orleans TDU

Saturday, March 20, Noon
Mike Miley Community Center
6716 W. Metairie Ave, Metairie, La.
For information call 504-818-0409

Northern California TDU

Saturday, March 20, 10 a.m.
Recreation Room
22012 Sevilla Rd., Hayward, Calif.
For information call 707-426-5310

Rockford, Ill. TDU

Sunday, March 14, 10 a.m.
Holiday Inn
2550 East State St., Rockford, Ill.
For information call 815-857-3457

Southern California TDU

Sunday, April 11, 10 a.m.
VFW Hall
101 S. Main St., Pomona, Calif.
For information call (562) 694-5831
or (760) 951-4949

Wisconsin Badger State TDU

First Saturday every month
10:30 a.m.
Sue's Bayview Bandwagon
2463 South St. Clair, Milwaukee
For information call (414) 327-1489

1999 TDU Convention
November 5-7
Sheraton Airport Hotel Cleveland

UPS Teamsters to Hoffa:

Don't Let UPS Steal Our Strike Victory!

Teamster members at UPS hubs and centers across the country are circulating petitions demanding that UPS create all 10,000 full-time jobs we won after our strike victory in 1997. The petitions (see page 12) tell our newly elected General President, James Hoffa Jr., and his pick for Parcel Director, Dick Heck, to say "No Deals" when they meet with top UPS

management.

Since July, 1998, when our first installment of 2,000 full-time jobs was due, management has been stalling in hopes that Hoffa Jr. would be elected and the union would agree to a deal that would let the company get out of creating some or all of the full-time jobs.

Remember that it was a key Hoffa

lieutenant, Central Region VP Phil Young, who met with UPS Corporate Labor Manager Jim Maloney just days before their announcement last July that they were not going to create the first installment of 2,000 jobs.

While Hoffa Jr. has not officially been installed in office, he is occupying the General President's office and calling the shots at the International Union.

His transition team and newly appointed officials are running the union's divisions and departments, and

outgoing General Secretary-Treasurer Tom Sever is carrying out their wishes.

With our full-time jobs petition campaign, members are making sure that Hoffa and Heck tell UPS to:

- Create last year's overdue 2,000 full-time jobs now.
- Deliver 2,000 more full-time jobs in 1999 - and in every year of our contract.

In just a few months, UPS will owe UPS part-timers and communities all over the country at least 4,000 new combination full-time jobs. It's up to us to make sure the company delivers.

UPS's Big Lie About Volume

The company's revenue, profit, and volume results for 1998 reveal that talk of strike-related damage to UPS's business was exaggerated or outright fabricated. UPS's end-of-the-year numbers show an increase of 3.3 percent in package volume compared to 1997 on the strength of a 14.1 percent increase in Next Day Air volume. UPS earned a \$1.7 billion after-tax profit last year — nearly double their 1997 profit and \$500 million more than the \$1.2 billion profit the company netted in 1996.

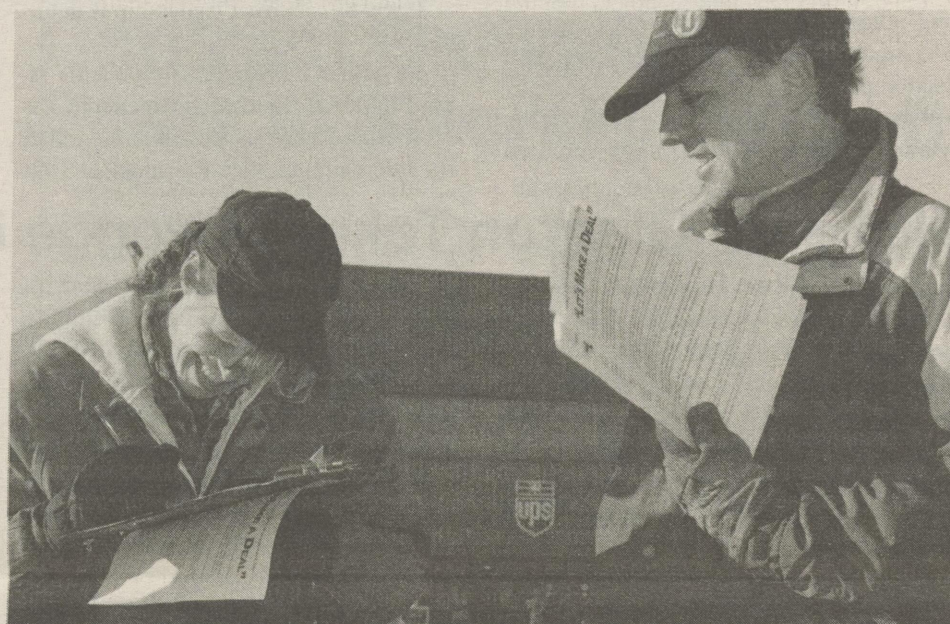
So why is UPS still refusing to create the full-time jobs we won after our strike in 1997?

UPS has been creating a smokescreen to try to convince Teamster workers and the public that the full-time jobs language in our contract is "null and void" by arguing that ground volume is down. However, Article 22, Section 3 of the contract clearly called for the creation of 2,000 jobs by July 31, 1998 (and every

year thereafter through the end of the contract) unless there is a loss in overall package volume causing layoffs. It does not separate out ground volume from air volume. Overall package volume has actually increased.

Outgoing Parcel Division Director Ken Hall made that argument in the union's strong arbitration case against UPS for failing to create last year's 2,000 full-time jobs. The union presented documentation that volume — and profits — actually went up from June 1997 to June 1998. The union also showed from the company's own records that there have not been layoffs — and that any reduction in work was not created by a reduction in volume, but was related to areas where the company instituted the failed rural remote policy or benefitted from workers' increased efficiency.

As this issue goes to press, management has just begun to present its side of the case before the arbitrator.



UPS Teamsters in Madison Heights, Mich. stopped to sign the petition for the full-time jobs on a blustery cold morning.

How Can You Help Turn Up the Heat on UPS?

- Help circulate our full-time jobs petitions. The more signatures we gather, the louder our voice.
- Start wearing your T-shirts and buttons from the strike to work again. That kind of visibility helped show UPS we would fight for our contract. Let's show them we'll fight to make management live up to it.
- File grievances under Article 22 for any full-time jobs that are possible in your building. Jobs are possible when part-timers work more than 35 hours a week or two or more part-time jobs overlap or have less than a 1 hour and add up to 8 hours of work. For more information, contact TDU.
- Start a rank and file UPS network in your area to communicate with other members and coordinate our fight for jobs. A TDU chapter can make this outreach easier and can help you organize rallies, sticker days, or other activities.
- Pass out *Convoy Dispatch* to other UPS employees in your local or in your area. Contact TDU for help in getting started.
- Ask your coworkers to join TDU — or if you're not already a member, consider joining. (See page 1 for membership application.) You'll be part of the only national network of rank and file UPS employees. Your efforts in your area combined with others can make a real difference.

Victory Solidifies Distribution Rights at UPS

Members' legal right to distribute union-related materials — including TDU literature — in mixed work/non-work areas during non-working hours was solidified by a decision in the NLRB case *Dunning v. UPS*, handled by TDU attorney Barbara Harvey.

Dave Dunning won back his job as package car driver in Local 486 in Saginaw, Michigan, after being fired for distributing literature in a check-in area during non-work hours before his shift.

The NLRB ruled that if employees are permitted to be in an area while off the clock or on break, it is a mixed work/non-work area. Examples include check-in areas during morning hours, hub time clocks during break, outdoor smoking areas, and areas where employees are allowed to rest during break.

The Dunning decision made clear that members' right to distribute in these areas is not affected by whether there are other "pure" non-work areas (such as break-rooms) available for distribution. It does not matter if the employer has a clear "no distribution" rule. It does not matter that

work is occasionally performed in the mixed work/non-work area during some employees' non-working hours.

Work Now, Grieve Later — Make UPS Pay

Members who distribute material in these mixed work/non-work areas are protected by this decision. However, if management gives you a direct order to stop your activity, *follow that order*. Then file a grievance under Article 21 (Union Activity) and Article 37 (Management-Employee Relations) as well as any other applicable contract language. Also grieve this violation of federal law protecting workers' right to distribute information, which will allow the precedent of this NLRB decision to be presented to support your grievance.

Regardless of whether or not your grievance is successful, consider going to the NLRB to file unfair labor practice charge against UPS. The time limit to file is six months, so you have plenty of time to decide.

Contact TDU if you need assistance with this or any other distribution issue.

Carhaul Bargaining

Employers Demand Two-Tier Contract

When Teamster negotiators met with management at a fancy Florida resort in February, they were handed a pack of insulting demands. Golfing with manage-

ment doesn't stop them from demanding big concessions.

Employer proposals include a move to create a **two-tier** contract, bringing in

a new class of employees who would make 70 percent of union rates and would never catch up. Everyone hired would get fewer vacation days, fewer sick days, and be stuck with a longer probationary period. They have also demanded the unlimited right to hire part time employees.

Another form of **two-tier** that the employers have put on the table is the expansion of half rate to any and all secondary traffic. (Note that all future employees would get 70 percent of half rate, or 35 percent of union scale. The employers also propose to expand half-rate backhauls to all traffic off rail or from nonunion carriers. No votes, no negotiating.

The employers have also demanded

that every employee pay \$30 per month for Health & Welfare, elimination of seniority protections when traffic changes carrier, increased drug testing, and more.

Just Say No

A review of the employer bargaining proposals for the national agreement and major supplements reveals that the employers are trying to soften us up with demands from outer space, in hopes that we will trade our legitimate issues away. No thanks.

Union negotiators need to tell the employers these insults will not be considered and should be removed from the table so real negotiating can begin. We're looking for improvements in job security, income and pension, and in time off — not take-aways and two tiers.

UPS and Downs

Full-Time Jobs Committee Meeting Scheduled.

Full-time jobs is a critical issue to members at UPS's central air hub in Louisville. They won the right to 100 guaranteed full-time jobs. They also won the right to have a full-time jobs committee that would help locate where full-time jobs are possible. This committee has yet to meet. When asked why the committee had not met, union reps told members they intended to let UPS create 100 jobs before the committee met. After significant pressure from the members the committee will meet — at 8:00 a.m. on a Sunday.

UPS Wants to Doctor Pre-Trip Time.

UPS likes to tell UPS feeder drivers that they can complete a pre-trip inspection and put together a set of doubles in 32 minutes. Everyone knows that to accomplish this a driver would need to cut a lot of corners. Recently, Indianapolis management even urged a few drivers to call the dispatcher and tell them they are leaving the building after 32 minutes, then finish their pre-trip, so the computers will show they left on time. No drivers have yet fallen prey to this trickery.

New Mexico Drivers Win State Supreme Court Victory.

The New Mexico Supreme Court has ruled in favor of drivers Clayton Self and Mark Reid that UPS Teamsters may pursue their off-the-clock work claims in State Court even when the grievance procedure fails to remedy the situation. The Court held that state law gives all workers the right to be paid for all hours worked. The courts won't allow UPS to use the availability of the grievance procedure as an excuse to prevent wage and hour lawsuits.

The case is now back in trial court to decide whether to allow a class action on behalf of approximately 350 New Mexico package car drivers. These drivers have routinely been pressured to work off-the-clock during lunches to keep up with production demands. Similar lawsuits have been successful in Illinois and Washington State.

Local 315 Members Circulate Petition for Full-Time Jobs.

Teamsters in Martinez, Calif, Local 315 circulated a petition to the district manager demanding the creation of full-time jobs. Hundreds of members signed the petition. The heat needs to be turned up — now there's a national petition to our union. See page 12.

Members Vote Out Bonus.

Many UPS members who work in a bonus center consider the system unfair. Management can use it to whipsaw members against one another. But it's always tough to get away from this system because some members benefit from the added income it allows.

In the West Center in the Bedford Park building in Chicago Local 705 members beat the odds and voted out the bonus system by a 23-11 margin. The Local 705 contract allows the union to terminate the bonus plan if the members vote it out. Similar language exists in some regional supplements.

Illinois and Indiana Members Vote On New Health Plan.

Members in Chicago Local 710 and Indianapolis Local 135 (formerly a Local 710 jurisdiction) are now voting on a new company health plan. UPS members will receive ballots mailed by the company. They will then return their ballot to Local 710, who will count them.

The problem is that there is no procedure to check members' eligibility on the ballots. Local 710 pulled the same trick on the contract vote in 1997. Member Frank McSweeney, a Chicago feeder driver, is filing a grievance.

Local 391 Official Slams Innocent Until Proven Guilty.

Lenny Reeder, secretary-treasurer of North Carolina Local 391, told members at a recent meeting that the innocent-until-proven-guilty clause in our contract is the reason UPS has been firing so many drivers. Reeder's reasoning is hard to follow. He claims UPS gets a "free shot" because of the clause. He also blames UPS's production harassment on the clause. With union representation like this it's no wonder UPS is able to get away with whatever they want.

Where's the Action?

Bargaining has opened. James Hoffa and Doc Condor are taking over for the union. Hoffa promises a great contract. But will it happen?

It's unlikely without a campaign to involve, unify and listen to Teamster carhaulers. That's how our union kicked butt at UPS 18 months ago. Not by tough talk at the bargaining table, but with a well planned contract campaign, powered by rank and file Teamsters.

Hoffa and Condor still refuse to do the basics, like seating some rank and file carhaulers on the bargaining committee. What are they afraid of?

It's Up to Us

Let's let the employers and our union

negotiators know we are not second class Teamsters and will stand up for a good contract. Time is short. Hoffa has stated that we will have a contract by May 31 or strike the industry on that date.

- **Make your voice heard.** Speak up for a good contract. Circulate the 25-and-out petition. Attend local union meetings during the contract period.
- **Distribute *Convoy Dispatch*** at your terminal and on the road. Contact TDU for updates and to give us feedback.
- **Prepare to take action**, if necessary. Put aside some money and avoid taking on new obligations. Get "Ready to Strike" stickers from TDU (100 for \$10). Let management, the union and other carhaulers know where we stand.

Allied's Little Survey

Allied is enlisting Teamsters to get involved in supporting their demand for a two tier contract. Their gimmick is a survey, the Allied Automotive Group Non-Union Carrier Survey.

They are asking drivers to locate and report details on nonunion car carriers. Does anyone really believe that Allied is in the dark about their competition? Or that it's a coincidence that this gimmick is given to drivers just as the contract ap-

proaches, when Allied is demanding a two-tier contract, supposedly to win work from nonunion competition?

They want Teamsters to think we are in the same boat with Allied management, together against the competition.

A nice fantasy, but remember, Allied is demanding two tiers, wage cuts, \$30 a month out of our pay for health and welfare, cutting seniority rights, and more. That's reality, not fantasy.

Carhaulers Petition for 25-and-Out

Carhaulers in the Central and Southern regions are petitioning for 25-and-out at any age.

Carhaulers can win an improvement for ourselves and for other Teamsters in the Central States Plan — 25-and-out at any age, at \$2,500, with health insurance. Presently you must be 55 to get health insurance and 57 to get the \$2,500. The petition is to remind the negotiators that we will not ratify a contract without it.

The Central States Fund can easily af-

ford this improvement. Assets in Central States have zoomed up to \$19 billion and are growing rapidly. The fund is almost 100 percent fully funded, the employers' dream because it removes the penalty for union busters to pull out of our fund. It's time for the Western Conference Fund to match this program, also.

The petitions are to James Hoffa, who has promised to win 25-and-out, and to the union trustees of Central States. For copies of the petition, contact TDU.

Yellow Freight's 'Gold'

Production Standards in Disguise

"If a dock worker is not making his expectation, you must ask him why. If he provides no valid reason why, then he should be a focus employee the next day."

— From Yellow Freight's Instructions to Supervisors "Tips on Dock Gold"

Yellow Freight continues to push its "dock gold" campaign to pressure dock employees to meet arbitrary dock quotas that they call "expectations."

It's time for a unified national union response. We cannot sit back and watch our members targeted as "focus employees" and production quotas sneaked into our contract.

In December the International sent an

information request to Yellow management, asking six important questions regarding the dock gold production program, and then asking to meet with management after getting the answers. So far, management has not even answered.

New Freight Director Unconcerned

At a meeting in March incoming Freight Director Phil Young expressed little concern about the program, saying he didn't regard it as a problem at the Kansas City breakbulk in his Local 41. Any move to implement production quotas, which are not allowed per Article 20 of the NMFA, is definitely a problem.

Young indicated that in Kansas City any dock worker being counseled has a right to have a steward present. At some

terminals this is routine, but in other locals this is not being adhered to; it should be done everywhere, every time.

Members, stewards and locals should be documenting exactly what management is doing with this program. The In-

ternational Union should be coordinating an effective response to protect our contract and the health and rights of all dock workers. If you have information or questions regarding the program, TDU wants to hear from you.

Airborne Harassment Continues

Mark Woods

Local 249, Airborne Steward
Pittsburgh

With the settlement of the new NMFA and Air Courier Addendum at Airborne, we thought the issue of employee harassment would be over. Not likely. Airborne has not taken steps to deal with this subject and the union does not know how to enforce the contract language.

Here in Pittsburgh the district management perpetuates the harassment. Our manager tries to intimidate bargaining unit employees by his large size and bad attitude. He has no respect for the union or the contract.

One of his supervisors has a hair-trigger temper that flares up several times a week. This supervisor has repeatedly yelled at and threatened our members, including me. Management-by-stress is his specialty. Let me give you some examples of his behavior:

- throwing a package at a female driver during an argument.
- having a temper tantrum after receiving a late aircraft departure time, including throwing his clipboard.
- threatening me for acting in my capacity as a union steward.
- throwing a contract book at a union committeeman.

Other supervisors have also acted in this way. One supervisor pushed a member during a P.M. shift meeting. Another threatened a driver with termination if he did not drive an unsafe straight truck.

Nevertheless, Pittsburgh is not the only place to receive this treatment. In Cleveland, a 30-year driver received a check ride following the filing of a grievance for a seniority violation. The supervisor complained that the driver used the restroom too often. He also told the driver they should have fired him 29 years ago.

In San Jose, a driver had an envelope tote kicked in his face by a rogue supervisor.

The union must enforce the harassment language of the Air Addendum. Airborne must train their supervisors in people skills and punish them if they become abusive.

Remember, Airborne promised a program of "zero tolerance for harassment" and the union has the right to reopen the contract in 18 months to renegotiate the anti-harassment provisions if it is not satisfied that the program is effective. If impasse is reached, the union has the right to strike. We must start documenting any abusive behavior and file grievances whenever harassment exists. We need our locals and the IBT to stand behind us.

K&R Settles Contract

The Teamsters have ratified a contract with K&R Express Systems Inc., a small midwestern freight company, settling for slightly less than the NMFA provided. In this agreement the \$750 signing bonus was divided into two installments — the first \$375 installment to be paid two weeks after ratification and the second, two months later. Article 67 (Air

Conditioning) was eliminated and employees hired after ratification will proceed to top rate at a lower progression. Most disturbing, the contract will not expire until Sept. 30, 2003, five months after the rest of the NMFA's companies are up. This takes K&R out of the NMFA and contributes to the unraveling of the master agreement.

Freight Lines

ANR-Advance Teamsters to Receive Class 18 Benefits.

The last two issues of *Convoy-Dispatch* have campaigned for the Central States Pension trustees to grant Class 18 pension benefits to ANR-Advance Teamsters who are out of work as a result of the company's decision to shut down rather than offer NMFA parity. Now, word has it, these Teamsters can soon expect to hear a formal announcement from the fund granting them the improved pension benefits.

In a stunning development, most, if not all ANR-Advance Teamsters have received notice that they are ineligible for unemployment benefits since the company claimed that they could come back to work at any time. How this squares with the fact that ANR-Advance has held equipment auctions in at least Cleveland and Milwaukee is anyone's guess. They must have very good lawyers.

New York Grievance Rule Change.

The New York/New Jersey Joint Area Committee in January issued a new rule stating that grievances submitted must cite the Article and Section of the contract violated. The rule further states that "language such as 'but not limited to' and 'all other pertinent articles' will not be recognized by the Committee." Why would the union sign on to a rule change that can serve no purpose other than to give the company a new excuse to deny grievances on procedural grounds? Has the grievance procedure been working too well in our favor?

Upon learning of this new rule, one Yellow Freight steward suggested that the next time he files a grievance he might just file copies under every article of the contract and let the committee work through them until they find the right one.

Hours of Service Letters.

As we have reported, the Federal Highway Administration (FHA) has initiated a program to revise the hours of service regulations. The American Trucking Associations (ATA) has made it their "top priority" for the year to make drivers work longer hours. TDU and drivers are going to make sure this does not happen.

Some Yellow Freight drivers in the East and Central areas started a letter writing campaign to the FHA's Kenneth Wykle demanding that road drivers (as well as employers and lobbyists!) be included on the committee that will draft proposed rule changes.

Freight Director to Stay Home

Phil Young, the new Hoffa-appointed Freight Director, has made appointments for the regional grievance committee chairs.

Young has also decided to move the freight division to his home local in Kansas City, reviving an old guard practice of moving union operations to fit the personal desires of officers. Young says this move will take about six months.

Historically this has been nice for those making multiple salaries, since they don't have to relocate. But it has undercut the development of a professional operation that can stand up to management and organize the industry.

Correction

In our article "Indianapolis City Drivers Bumped Off CF's Team" (*Convoy Dispatch*, Feb. 1999 #174) we stated that three Local 135 city drivers were fired by CF for having accidents during inclement weather. This was incorrect. The three fired drivers were over-the-road drivers. We regret the error.

Young announced to freight officials at the Central Region joint area committee that his priority is to complete the organizing drive at Overnite this year.

Freight Appointments

Hoffa and Young have made the following appointments for regional freight coordinators — West: Ralph Taurone, Local 222 and International VP; Central: Walt Lytle, Local 414 and International VP; East: Tom Griffith, Local 776; South: Tyson Johnson, Local 745.

They will chair the regional joint area grievance committees for the union. Each will get an extra salary on top of their other union salaries.

Johnson was suspended from Teamster membership in 1997 for three months for taking interest-free loans from union funds for himself and other officials. He is not yet eligible to run for Teamster office but is eligible for appointments. Freight activists in the East were pleased to see the appointment of Griffith, a long time advocate for freight Teamsters.

Teamsters Left Out In the Cold

Strong Earnings and Wall Street Games Fill Grocery CEO's and Investors' Pockets

If 1998 was a tough year for grocery Teamsters — with outsourcing, mergers and productivity drives continuing to create havoc — it was a banner year for owners and stockholders. Retail food stocks soared 80.5 percent over the year, far outpacing the Dow Jones, which rose 16.1 percent.

Stock gains were seen by 34 of 40 major companies, with Safeway and Kroger leading the pack. Safeway's stock price rose a whopping 97.2 percent. Kroger was not far behind with an increase of 65 percent. American Stores, Ahold and Fred Meyer also saw dramatic gains. Wholesaler Supervalu boosted its stock price by 33.73 percent.

A&P, Fleming and Richfood were among the few losers.

The stock boom and profit growth will certainly put big bucks in the pockets of CEOs. Compensation figures are not yet available for 1998. But in 1997 Kroger CEO Joseph Pichler pulled in over \$900,000 in salary, bonus and other compensation. At the time he had 200,000 shares outstanding of company stock. Kroger's stock price jumped 65 percent in

1998. Just imagine what those 200,000 shares are worth today.

Safeway CEO Steven Burd is probably not doing too badly either. His 1997 salary and bonus totaled \$1.3 million.

Consolidation a Key Factor

Consolidation was a key factor in driving up stock prices, according to industry analysts. Buyouts that result in fewer jobs, concessionary contracts and productivity boosts are a boon to investors. As part of the Wall Street game stock gets bid up in companies that are buyout targets.

Giant Foods stock, for example, jumped 29 percent during its takeover by Ahold. Kroger stock soared in large part due to investors believing — wrongly it turned out — that it was a takeover target by Safeway. Kroger also went on a major outsourcing binge in 1998.

The future is very rosy for CEO's and investors. The growth trend is expected to hold, "with Kroger, Safeway and Albertson's experiencing earnings growth exceeding 25 percent by 2000," according to a J.P. Morgan analyst.

Consolidation is also expected to continue. "I think we have another 12 months of watching some big moves unfold," Tim Hammonds, president of the Food Marketing Institute, stated in a recent *Supermarket News* report. "We think there are some large retailing com-

panies that will be involved in surprising deals, just as some of the recent deals have been surprises."

The future for Teamsters is much less clear. Our best protection is an informed, mobilized rank and file.

JP Foodservice

Buyouts Show Need for National Coordination and Contracts

Matt Latzo

Local 355, JP Foodservice
Baltimore

When JP Foodservice bought U.S. Foodservice it became the number two food service distributor in the country. The buyout also created numerous problems, some of which are still playing out.

In Maryland, the company has yet to merge the two operations. We discovered in September of last year that the head of our local, Dennis Taylor, had been negotiating with JP, without stewards or members at the meetings. Membership pressure helped change that situation — now stewards are present — but a final agreement has yet to be reached.

One critical issue is whether U.S. Foodservice employees, who were non-union in our area, will be end-tailed or dovetailed. We've heard that members in other areas, which have already merged, have had various concerns about senior-

ity, depending on which company they are from.

These and other issues could be made less difficult through regional and national coordination. The major corporations we deal with, like U.S. Foodservice, have a national strategy for dealing with the union. Meanwhile, we have little power because locals have to go it alone.

Acting Temporary Warehouse Division director, Ken Hilbish, has a poor track record on coordination. During last year's Kroger negotiations he undermined the effort to build a national membership campaign against outsourcing.

Grocery and warehousing members are going to have to keep the pressure on for national coordination. In the meantime we have to build our own rank and file networks so we can stay informed and build unity. We have kicked off a national food service and grocery network through TDU. Contact TDU to get involved.

Local 754 Members Rally to Support Their Elected President

One hundred members of Elmhurst, Ill., Local 754, most of whom work for Dean Foods, gathered on Feb. 28 to plan to restore democracy to Local 754. At the meeting members collected \$450 dollars to rent busses to take members to the union meeting near Chicago in March.

They want to make their voice heard loud and clear to honor their democratic right to vote.

Last fall the rank and file elected Jim Oates as president of Local 754, the number two position in the local. The president has always been a BA, and they wanted to put brother Oates into a job to represent them. But Secretary-Treasurer John Thomas promptly removed Oates as BA and appointed a trustee instead.

The members don't intend to let this stand.

Mass./Rhode Island Contract

Frito-Lay's Arrogance Result of International's Do-Nothing Approach

Good leadership and member unity works. Bad leadership and member disunity fails. Frito-Lay members covered by three locals in Massachusetts and Rhode Island saw this principle in action on March 10 when their contract was ratified by a vote of 141 to 99.

The final contract contained Frito's usual third-rate offering of bonus payments, tiny base increases, bulk-25 language and no real improvements in benefits or working conditions.

Members in locals 686 and 64 have been involved in the Frito-Lay network and in building unity. This was reflected in the first contract vote on Feb. 28. Local 686 voted 70 to 10 against and Local Local 64 voted 31 to 29. But members in Local 42, with no rank and file leadership,

voted 62 to 26 to accept.

Frito would love a strong yes vote on all their first offers, so the rejection was a good step. But members lost faith quickly because they see that the IBT and Bakery Conference have no strategy or willingness to fight. This is at also the root of Frito's arrogance in bargaining.

Local 686 is the home local of Joe Padellaro, head of the Bakery Conference. This contract should have been a show piece, not just more of the same. This also would have been an excellent opportunity for Hoffa Jr. to follow through on his promise of Teamster power at the bargaining table. Hoffa has been calling the shots since December, but did nothing to help Frito members win a good contract.

Local 570 Entenmann's

Post-Ratification Contract Change Angers Members

When their contract was negotiated in September of 1998, Maryland Local 570 members raised concerns about a new facility opened by Entenmann's in Frederick. In response, Local 570 Secretary-Treasurer Chuck Stansburgh said there was no need to negotiate language and that everyone would be united for seniority and other purposes.

In October the contract was narrowly ratified. It contained no changes to overtime or seniority language regarding the new and old facilities. The draft contract, given to stewards for review, contained no change. But in January Tenenmann's refused to allow warehouse employees in Jessup the right to work overtime at the Frederick facility. Members filed a grievance. Within a day they received a "final" copy of the contract with new language snuck in making Jessup and Frederick separate for overtime purposes. Management responded that the grievance was denied, based on the "new" contract language.

It became clear that management wanted the best of both worlds — the right to force people to work at the new facility if they were needed, and the right to prevent members from choosing to work premium overtime when they wanted to.

A meeting with Stansburgh revealed he had agreed to the language change at the request of manager Dennis McGuire.

Local 570 members contacted TDU for information about their rights and put pressure on Entenmann's and the local to rescind the illegal change. On Feb. 12 they won a partial victory when Entenmann's agreed that the new language should be removed. They refused to budge on their position, however, claiming that they still had the right to limit certain seniority rights between the facilities. The case will now go to arbitration.

Article 12 of the Teamster Constitution gives members the right to vote on contract changes. Local 570 members have taken a stand in defense of this right.

Final Hoekstra Report Turns Up Nothing New

After spending a year and a half and more than a million dollars, Congressman Peter Hoekstra (R-Mich) and his House Workforce Oversight and Investigations Subcommittee released a final report on Feb. 23 on their investigation of the Teamsters that failed to provide any new evidence of wrongdoing by Teamster officials.

The real purpose of Hoekstra's "investigation" was to help Hoffa Jr.'s campaign for Teamsters president and further his own anti-worker agenda.

In hearings held over 17 months, the Hoekstra committee called a parade of witnesses hostile to Teamster reform.

Hoekstra's staff worked hand in hand with Hoffa and his campaign. The link was revealed during a hearing in July, when Aaron Belk, former executive assistant to the Teamsters general president, was under questioning from Ron Kind (D-Wisc).

Belk testified that Republican committee staffers working for Hoekstra recom-

mended that Belk consult George Geller, a Detroit attorney who is on Hoffa's campaign staff and serves as a Hoffa campaign spokesman, to prepare his testimony.

During his investigation, Hoekstra also criticized the money our union spent on our campaign to beat NAFTA fast track, our UPS contract campaign, and the strike benefits paid to UPS Teamsters.

In 1995 Hoekstra worked with the American Trucking Associations to try to outlaw "corporate campaigns" to expose employers' wrongdoing. He worked with Overnite to kill NLRB decisions against that union buster. He opposed raising the minimum wage above \$4.25. And he wants to repeal the law requiring overtime pay for overtime work.

If Hoekstra is someone Hoffa considers a friend of our union, Teamster members don't need enemies! We can only hope that Hoffa won't continue to work hand in hand with Hoekstra and other anti-worker politicians.

Garnet Zimmerman:

Unionist or Union Buster?

Concessionary demands ... threats to lay off union members ... an employer lock out. This sounds like a real union busting employer. Well, it's Garnet Zimmerman, Hoffa's running mate from Canada, and Zimmerman's pals.

Twenty one clerical employees have been on strike and locked-out by Teamster officials in Vancouver, British Columbia, for nearly two months. In late January they went on strike at Local 31, headed by Zimmerman, when he demanded a 12.5 percent wage cut by reducing the hours worked. The next day the Joint Council 36 president, Don McGill, locked out the rest of the unionists, shut-

ting down the Teamster buildings.

Zimmerman has been in the media saying that he runs a "business as well as a union" and that the union employees may bargain their way out of a job. This man is a union leader? Thankfully, Canadian Teamsters rejected him in the race for International Vice President from Canada.

Some Teamster officers and many members sympathetic to the strikers are putting pressure on the local to compromise and settle the dispute soon for the benefit of all. Apparently the concessionary demands are off the table, but the clericals, who have been under a three-year wage freeze, are asking for a raise.

Distribute ¡Adelante! and Move Our Union Ahead

The March issue of TDU's Spanish/English newspaper is hot off the presses. This issue includes articles on:

- ♦ Bylaws reform campaigns in local unions across the country, including campaigns for elected stewards, elected negotiating committees, contract translation into Spanish, and restrictions on salary increases for local officers.
- ♦ Members rights inside the union.
- ♦ The fight for reform in local unions from California to Chicago to New York City.
- ♦ National Teamster news including an update on charges against Hoffa candidates and a post-election statement from Tom Leedham.

You can help inform members about their rights and spread the word about Teamsters who are organizing to reform our union. Copies of ¡Adelante! are free. To order yours, call the East Coast TDU office at 718-624-7746.

DEMOCRACY WATCH

Inside the Marble Palace, the Back Rooms, and the Country Clubs

It's back to the past at the International Union, with paybacks, nepotism, old guard refugees, and excess returning to the Marble Palace since James Hoffa Jr. was elected and he and his transition team have moved into the union's Washington, D.C., headquarters.

Hoffa bragged about the work he's doing even *before* taking office at a meeting of the freight Central Joint Area Committee in Chicago on March 8, where he announced several new appointments.

New Appointments

Local 237 Secretary-Treasurer Carroll Haynes will rake in a big extra salary as Hoffa's choice for Director of the Public Employees Division, allowing him to max out his multiple salaries at the \$225,000 limit for International officials in the IBT Constitution. In an article in the *Oregonian* on June 18, 1998, Haynes admitted that he was switching his support to Hoffa Jr. in hopes of being named to the position.

Keith Gleason, secretary-treasurer of Peoria, Ill., Local 627, will be Director of the Tank and Cement Division. Hoffa's Construction Division Director will be Paul Walsh, secretary-treasurer of Local 379 in Braintree, Mass. Lamont Byrd will stay on as Director of the union's Safety and Health Department.

In a return to nepotism, Hoffa has hired his niece, Barbara Jo Crancer, into the union's Communications Department. Will Hoffa's sons be hired next?

Hoffa is bringing back old guard staff who worked under Teamster presidents Roy Williams and Jackie Presser, both of whom were racketeers.

Running the Legal Department under Hoffa will be Patrick Szymanski of the Baptiste and Wilder firm. Their work in the past included a legal memo justifying the payment of \$534,000 of dues money for Roy Williams' legal

fees after he was charged for corruption. Williams later admitted that he was controlled by the mob.

Gary Witlen, another old guard re-tread, will be Legal Director. Jim Wallington, also from Baptiste and Wilder, will be the carhaul attorney.

Hoffa has brought in former Research Director Norm Weintraub, along with Airline Division Director Ray Benning, Division Assistant Vicki Frankovich and attorney Roland Wilder, to assist with Northwest Airlines negotiations. (See story on Northwest Airlines negotiations on page 3.)

Hopefully Weintraub won't get confused about which side of the table he's supposed to sit on. Weintraub left the Teamsters when it was revealed that he accepted a seat on the board of St. Johnsbury, a trucking company that employed Teamster members.

Hoffa's Priorities

Despite the alarm Hoffa Jr. has sounded for five years now over the International's financial crisis, one of his first moves since being elected has been redecorating the General President's office suite. Apparently the decor wasn't good enough. Members of his transition team have been spotted eyeing carpet samples and drapery swatches.

At the freight Central JAC meeting, Hoffa also announced that he will move on some of the priorities TDU outlined after his election.

He said he will "take on" Anheuser-Busch, which imposed its final offer on members last year, even though it was the very officers who supported Hoffa who pulled the plug on the union's member involvement campaign to win a good contract.

Hoffa pledged to win a carhaul contract, resolve the Detroit newspapers strike, and "complete" the Overnite organizing program this year. But he revealed no details about how he plans to ensure good agreements for these members.

Bob Simpson

Chicago Hoffa Backer Now with Management

Bob Simpson, former head of Chicago Local 743 and a member of the \$100,000 Club, is now working the management side of the fence. Simpson turned up as a consultant for the nursing home corporation First Healthcare Associates. He made \$253,799 in 1993 before being ousted from office and membership in the union.

Simpson, a Hoffa supporter, testified

last year before the Congressional committee set up by Peter Hoekstra (R-MI) to attack our union. He stated at the time that he was living in poverty as a result of being removed from office for misdeeds. He forgot to mention that he gets at least three pensions from our union as well as being paid by management to work against our union!

How to Win Past Practice Grievances

By Robert M. Schwartz

- For as long as anyone can remember, employees have been allowed an afternoon coffee break. Now, management announces that this privilege will be ended. Your contract has no specific language on coffee breaks. What can you do?
- Your bargaining unit includes three maintenance positions, but the company has announced plans to subcontract this work to an outside cleaning firm. This has never been done before. The contract is silent on subcontracting. What can you do?
- The contract requires time-and-one-half overtime pay for all "hours worked" over 40. For some time, management has counted holiday hours as hours worked. Now payroll says this violates the contract and it will no longer count holiday hours towards overtime. What can you do?

Any union worth its salt will fight employer attempts to terminate benefits and valuable working conditions, using petitions, rallies, non-cooperation campaigns, picketing, and other direct action tactics.

Legal-based protests should also be lodged. This article discusses past practice grievances. The next *Convoy Dispatch* will discuss labor board charges.

Past Practice Grievances

When a union grieves the elimination of a long-standing benefit or working condition, it can often assert that the employer is violating the collective bargaining agree-

ment — even though the benefit or condition is not specifically mentioned in the contract.

The union can do this because a collective bargaining agreement consists of three types of agreements between management and labor — written agreements, oral agreements, and implied agreements.

Many past practices are implied agreements. According to the U.S. Supreme Court, a past practice based on an understanding between the parties is as legally binding as a written or oral agreement. Here is what the Court said in a famous 1960 case:

The collective bargaining agreement covers the whole employment relationship. It calls into being a new common law — the common law of a particular industry or of a particular plant ... The industrial common law — the practices of the industry and the shop — is equally a part of the collective bargaining agreement although not expressed in it.

How to Win a Past Practice Case

To establish that a practice is binding on an employer, the union must:

1. Prove that the benefit or working condition meets the five standards of a genuine past practice; and,
2. Prove that the practice falls within one of the categories of past practice that labor arbitrators and judges consider to be legally binding.



The Five Standards

A pattern of conduct qualifies as a past practice if it meets the following standards:

1. longevity
2. repetition
3. consistency
4. knowledge by management and the union, and
5. acceptance by management and the union

A benefit or condition that has existed for only a few months, or that is applied to only one or a few employees, does not usually rise to the level of a past practice. Nor does a past practice include matters about which the employer is unaware or has consistently opposed.

When, however, a benefit or condition has existed for several years, been followed on almost all occasions, been applied to an entire department or to the work force as a whole, been known to upper management, and has not been challenged by management in the shop or at the bargaining table, a genuine past practice exists. The next question is whether the practice is legally binding.

Past Practice Categories

The key to using past practice is being able to predict whether the practice will be judged by a grievance arbitrator to be legally binding. To do this, the union must determine the category the past practice fits into and, within the proper category, the rule that applies to the particular practice. There are three past practice categories:

1. Contract-clarifying past practices. These practices clarify the meaning of general or ambiguous contract language. Contract-clarifying past practices are almost always considered legally binding.

2. Independent past practices. These practices concern subjects not mentioned in the written agreement. Independent past practices that create an

employee or union benefit (such as rest breaks or time off for union business) are usually considered legally binding. Independent practices that concern methods of work or the direction of the workforce (such as work schedules, work rules, or work assignments) are usually not considered legally binding.

3. Conflicting past practices. These practices contradict clear and specific language in the written agreement. Conflicting past practices are not usually considered legally binding unless they have been in place for an extremely long period of time with the clear knowledge and support of upper level management.

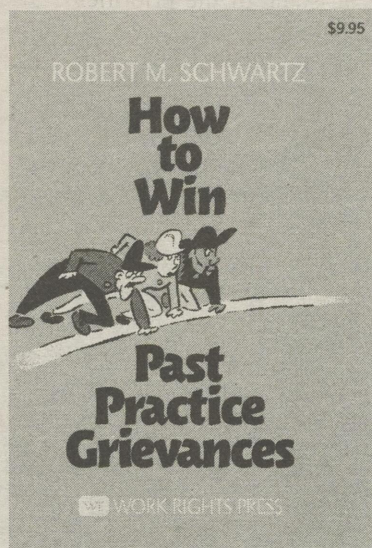
Using the above methodology, we can predict that the union in the first example above will succeed at arbitration because the coffee-break practice, although independent of the contract, is a valuable employee benefit. The union in the second example will probably lose a past practice grievance because sub-contracting practices concern methods of work. The overtime practice in the third example conflicts with clear language in the written agreement. This means the union will lose at arbitration unless the practice has sufficient longevity, consistency, and approval by upper management to constitute an amendment to the written agreement.

Unions facing examples two and three are not without legal recourse. Under the National Labor Relations Act (NLRA), employers may not change past practices without first bargaining with the union to impasse. Failure-to-bargain charges will be discussed in the next issue of *Convoy*.

Next issue: Labor Board charges over past practices.

Robert Schwartz, Boston labor union attorney, has written a new book, *How to Win Past Practice Grievances*. Use the coupon at left to order from TDU.

Schwartz is also the author of *The Legal Rights of Union Stewards* and *The FMLA Handbook*, also available from TDU.



Order Today!

How to Win Past Practice Grievances

by Robert Schwartz

One of the most powerful principles in labor relations, past practice is also, for many, the most difficult to master.

Labor attorney Robert Schwartz unlocks the mystery in this easy to use 112-page book.

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Return to:

TDU, Box 10128, Detroit, Mich. 48210

Phone: 313-842-2600 Fax: 313-842-0227

Don't Let UPS Steal Our Strike Victory!

Send a message to our new General President Jimmy Hoffa Junior and his pick for Parcel Director that Teamster members want **no deals** that would allow UPS to get away with creating fewer than the 10,000 full-time jobs we won in our strike in 1997.

- ◆ Read the article on page 6 and discuss it with your co-workers.
- ◆ Copy and circulate this full-time jobs petition. The more signatures we gather, the louder our voice.
- ◆ Return signed petitions to TDU at the address below by March 31.

Teamsters for a Democratic Union

P.O. Box 10128

Detroit, Mich. 48210

Phone: 313-842-2600

Fax: 313-842-0227

**Please Post
& Distribute**

Hoffa Jr. & Dick Heck:

TELL UPS "No DEALS"

UPS Teamsters Demand *All 10,000* Full-Time Jobs We Won After Our Strike.

In 1997, Teamster members won 10,000 full-time jobs by walking the picket line, building community support, and standing strong against UPS greed. We can't allow management to push our union's new President, Jim Hoffa, Jr., and our new Parcel Division Director, Dick Heck, into dealing away any of our full-time jobs.

When Hoffa Jr. and Dick Heck meet with top UPS management, they should say, "no deal." Instead, they should tell UPS to...

- ◆ Create last year's overdue 2,000 full-time jobs *now*.
- ◆ Deliver 2,000 *more* full-time jobs in 1999 — and in every year of our contract.

If UPS continues to refuse to create *all 10,000* full-time jobs, Hoffa Jr. and Heck should launch a full-time jobs campaign to involve members, reach out to customers and the community, and put pressure on UPS to honor our agreement.

Name _____

Phone Number

Hub/Center

Local

Please return petitions by March 31, 1999 to: Teamsters for a Democratic Union, P.O. Box 10128, Detroit, MI 48210. For more information, call TDU at (313) 842-2600.